



Writ Petition Nos.10049 of 2023 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	04.03.2024
PRONOUNCED ON	.03.2024

CORAM:

THE HON'BLE MR JUSTICE S.S. SUNDAR

and

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.10049 and 21737 of 2023, W.P.No.32935 of 2022

and

W.M.P.Nos.10110, 10108, 21091 of 2023 & W.M.P.No.32432 of 2022

W.P.No.10049 of 2023

1.Sathish Babu

2.C.Kaliyamoorthy

...Petitioners.

Versus

1.The State of Tamil Nadu

Rep.by Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Secretary to Government,

Public (Human Rights) Department,



Writ Petition Nos.10049 of 2023 etc. batch

Secretariat,
Chennai – 600 009.

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3.State Human Rights Commission,
Rep.by its Chairman
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai – 600 028.

4.The Superintendent of Prison,
Central Prison,
Cuddalore.

5.Velmurugan

6.N.Krishnappan

7.S.Prema

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned order passed by the 3rd respondent in SHRC.Case.No.9351, 9451 and 238/22/46 of 2020 dated 10.08.2022 and quash the same.

For Petitioners : No Appearance



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Writ Petition Nos.10049 of 2023 etc. batch

For Respondents : Mr.P.Kumaresan
AAG assisted by Mr.R.Vigneshwaran
Government Advocate - R1, R2 and R4
: Mr.K.Gandhi Kumar - R5 and R7
: M/s.S.R.Sumathy – R3.
: Mr.R.Narayana - R6.

W.P.No.21737 of 2023

S.Prema

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.State Human Rights Commission,
Rep.by its Chairman
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai – 600 028.

3.S.Arumugam
Inspector of Police Neyveli Police Station
Cuddalore District.

4.C.Sathishbau

3/34



Writ Petition Nos.10049 of 2023 etc. batch

Head Constable-605

Neyveli Police Station Cuddalore

District.

5.C.Kaliyamoorthy

Head Constable- 2382

Neyveli Police Station Cuddalore

District.

6.R.Sivaraman

Sub Inspector of Police Parangipettai

Police Station Cuddalore District.

7.D.Sudhakar

Head Constable-487

Umangalam Police Station

Cuddalore District.

8.P.Muthamilselvan

Head Constable - 981

Neyveli Thermal Police

Station Cuddalore District.

9.G.Rajasekaran

Head Constable - 2410

Umangalam Police Station

Cuddalore District.



Writ Petition Nos.10049 of 2023 etc. batch

10.J.Murugan

Head Constable-638

Neyveli Thermal Police Station

Cuddalore District.

11.K.Harikrishnan

Head Constable - 751

Mantharakuppam Police Station

Cuddalore District.

12.The Superintendent of Prison

Central Prison Cuddalore.

13.MR.Velmurugan

Resident Tamilaga Vazhiurimaikatchi NO.135-M.S.R.

Shopping Complex Kundrathur Road

Porur Chennai - 600116.

14.MR.N.Krishnappan

No.44BY1- RK Bulding, 2nd Main Road Agara

HSR Layout Sector-1 Bangalore Karnataka.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to implement the common order dated 10.08.2022 passed by the 2nd respondent (State Human Rights Commission Tamil Nadu) in SHRC No.9351, 9451 and 238/22/46 of 2020.



Writ Petition Nos.10049 of 2023 etc. batch

For Petitioner : Mr.K.Gandhi Kumar
For Respondents : Mr.P.Kumaresan
AAG assisted by Mr.R.Vigneshwaran
Government Advocate – R1 and R12
: M/s.S.R.Sumathy – R2.
: Mr.R.Narayana - R14.

W.P.No.32935 of 2022

1.R.Sivaraman
2.D.Sudhakar
3.P.Muthamilselvan
4.G.Rajasekaran
5.J.Murugan
6.K.Harikrishnan

...Petitioners

Versus

1.The State of Tamil Nadu
Rep.by Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
2.The Secretary to Government
Public (Human Rights) Department,
Secretariat,



Writ Petition Nos.10049 of 2023 etc. batch

Chennai – 600 009.

WEB COM

3.State Human Rights Commission,
Rep.by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai – 600 028.

4.The Superintendent of Prison,
Central Prison,
Cuddalore.

5.Velmurugan

6.N.Krishnappan

7.S.Prema

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to
issue a writ of certiorari to call for records of the imugned order passed by the
3rd respondent in SHRC Case No.9351, 9451 and 238/22/46 of 2020 dated
10.08.2022 and quash the same.

For Petitioners	: Mr.Balu for M.R.Elavarasan
For Respondents	: Mr.P.Kumaresan
	AAG assisted by Mr.R.Vigneshwaran
	Government Advoacte – R1, R2 & R4
	: M/s.S.R.Sumathy – R3.



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Writ Petition Nos.10049 of 2023 etc. batch

: Mr.R.Narayana - R6.

: Mr.K.Gandhi - R5 & R7

COMMON ORDER

(Order of the Court was delivered by G.ARUL MURUGAN,J.)

Since the issue involved in all the three petitions pertain to the Order dated 10.08.2022 passed by the 3rd respondent/ State Human Rights Commission, for the sake of brevity hereinafter referred as “SHRC”, all the writ petitions are heard and disposed of with this common order. For the sake of convenience, the parties will be referred to as per their ranking in WP.No.10049 of 2020.

2. Brief Facts of the Case:

(i). The remand prisoner No.4156, Selva Murugan was arrested in Crime No. 1073/2020 for offences under Section 294 (b), 392, 397 and 506/2 of IPC and remanded to judicial custody on 31.10.2020 at 01:00 Hours. On 04.11.2020, at about 22:25 Hours, the deceased Selva Murugan was sent to

8/34



Writ Petition Nos.10049 of 2023 etc. batch

the Government Hospital, Virudhachalam and was admitted as in-patient. He

died on the same day at about 22:50 Hours without responding to the medical treatment due to epilepsy. The Superintendent of Prisons, Central Prison Cuddalore/the 4th respondent had sent a message to SHRC on 06.11.2020 which was taken cognizance in SHRC No.9351/2020.

(ii). As per the gist of the complaint, the deceased Selvamurugan was doing Cashew Nuts business and he went to Vadalur for business on 28.10.2020. He did not return home and when he was called over his cell phone, it was unanswered. Since his whereabouts were not able to be found, his wife Prema went to Vadalur Police Station and gave a complaint, however, the 1st respondent refused to accept the same. On 29.10.2020, the police contacted Prema through her husband's cellphone and insisted her to come to Rani & Rani Lodge at Neyveli along with 10 sovereigns of gold chain, failing which her husband would be booked under several other theft cases.

(iii). Further, Selvamurugan had not committed any theft but the 1st



Writ Petition Nos.10049 of 2023 etc. batch

respondent inflicted third degree torture upon him to get confession. A false

case was foisted against him and he was remanded to judicial custody. Prema

received information from police that her husband was admitted in

Government Hospital, Virudhachalam for epilepsy. Even though she pleaded

for giving a better treatment to her husband, the same was denied and he was

taken back to prison, however, he was again admitted to hospital on

04.11.2020 where he died on the same day.

(iv). Meanwhile, Prema, the victim/ wife of deceased Selvamurugan, approached this Hon'ble Court to register a case against the police and investigate the same, wherein the single Judge of this Court vide order dated 18.11.2020 in CrI.OP.No.17886 of 2020, directed the Judicial Magistrate No. I, Virudhachalam who has been nominated to conduct inquiry under Section 176(1-A) of Cr.PC to complete the task of conducting the inquiry. The Judicial Magistrate after inquiry, filed a inquiry report on 10.06.2021 stating that the special police team had arrested the deceased as on 28.10.2020 itself and illegally detained him, tortured and harassed him and

10/34



Writ Petition Nos.10049 of 2023 etc. batch

caused injuries to him. Further, had the deceased Selvamurugan been taken to other hospital for further treatment, the life of the deceased would have been saved.

(v). On receipt of the complaint, the SHRC took cognizance of the matter and forwarded the complaint to DGP/ Director, Investigation Wing of the Commission for inquiry and report. A report dated 12.08.2021 was filed before SHRC stating that the deceased Selvamurugan died due to the effects of Coronary Artery heart disease and there is no involvement of police in his death but however there was violation of human rights due to illegal custody.

(vi). The respondents before the SHRC denied the complaint against them as false. It is the case of 1st to 3rd respondents before SHRC, that the deceased Selvamurugan was presented before them by the Public on 30.10.2020 at about 10.00 AM and based on the complaint given by one Kaviya that he has committed robbery on the same day at about 09.00 AM near Dhurgaiyamman Temple, the case in Crime No.1073/2020 under Section 294 (b) , 392 read with 397 and 506/2 of IPC was registered by the Inspector



Writ Petition Nos.10049 of 2023 etc. batch

of Police. During investigation, based on the statement given by the deceased

that he was also involved in another case in Crime No.1053/2020 under

Section 457 and 380 of IPC, the Inspector of Police/1st respondent before SHRC recovered the property in both cases and the deceased was remanded to Judicial Custody on that day itself. While he was in Judicial Custody, on 02.11.2020, he experienced epilepsy and was taken to Government Hospital, Virudhachalam but he did not respond to the treatment and died.

(vii). 4th to 9th respondents before the SHRC, however resisted the complaint stating that on 20.10.2020, they had received a message that an anonymous person snatched a gold chain of one Kaviya near Dhurgaiyamman temple, Neyveli Town on 20.10.2020, based on which, after searching the CCTV footage of that area, they came to know that the deceased Selvamurugan was involved in the crime and he was arrested on 29.10.2020 at about 11:30 Hours near Neyveli Plaza. During enquiry, the deceased confessed that he had sold the stolen gold chain in the SV Jewellery Shop,



Writ Petition Nos.10049 of 2023 etc. batch

Neyveli and at about 4.30 PM, the stolen jewels were recovered and the

accused was produced before the Inspector of Police/1st respondent.

(viii). The SHRC, after considering all the materials, found that the deceased Selvamurugan was kept under illegal custody and was tortured and beaten up. By order dated 10.08.2022, the SHRC directed the Government of Tamil Nadu to pay compensation of Rs. 5,00,000 to the wife of the deceased, Ms. Prema and that the Government may recover Rs.3,00,000 from the Inspector of Police/1st respondent as before SHRC and Rs.25,000 each from the 2nd to 9th respondents therein, and also recommended to initiate disciplinary action against 1st to 9th respondents as per rules and further recommended to initiate criminal prosecution against 1st to 9th respondents. Challenging this impugned order of SHRC, the 2nd and 3rd respondents before SHRC had filed the Writ Petition No. 10049 of 2023 and 4th to 9th respondents before SHRC had filed Writ Petition No. 32935 of 2022 and the victim Prema, wife of the deceased Selvamurugan filed Writ Petition No.



Writ Petition Nos.10049 of 2023 etc. batch

21737 of 2023 praying for direction to disburse the compensation as directed

by SHRC. The Inspector of Police/ 1st respondent is not before this court.

5. W.P. No. 10049 of 2023 is filed on the ground that the deceased Selvamurugan, who was a criminal case history sheeter and habitual offender, against whom many criminal cases are pending, was involved in the crime of chain snatching from Kavya on 29.10.2020 and the public handed over him on 29.10.2020 where he confessed about another case and that he had sold the stolen gold jewellery to SV Jewellery Shop, Indra Nagar, Neyveli and after recovering the stolen jewels, a case in Crime No. 1073 of 2020 was registered on 30.10.2020 and he was remanded to judicial custody. Further in Crime No. 10 of 2017, Crime No. 126 of 2016, Crime No. 1053 of 2020 and Crime No. 1073 of 2020, deceased Selvamurugan is the accused. The deceased Selvamurugan did not make any complaint against the police when he was taken before the Judicial Magistrate for remand and even when his wife Prema, filed Crl.OP.No. 17886 of 2020, she has only mentioned the name of

14/34



Writ Petition Nos.10049 of 2023 etc. batch

Inspector of Police/ First respondent along with one Sudhakar and

Harikrishnan and therefore, they are in no manner connected with the case. Even when he was earlier arrested, he had Epilepsy from 02.12.2016 to 09.12.2016. When the Magistrate examined the deceased at the time of remand, there was no fresh injury on him and according to the petitioners, the complaint entertained by the SHRC is without jurisdiction as against Regulation 9(g) and 9(h) of State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997.

6. W.P. No. 32935 of 2022 is filed on the ground that based on the complaint of one Kaviya that her gold chain was snatched on 20.10.2020, from the CCTV footage they came to know about the involvement of deceased Selva Murugan and he was arrested on 29.10.2020. Upon his confession, the stolen jewels were recovered and handed over to the Inspector of Police/ First respondent. The petitioners had only discharged the lawful duties and they had not kept the deceased under illegal custody or torture and



Writ Petition Nos.10049 of 2023 etc. batch

that only due to Epilepsy, for which the deceased was having a medical

history, he died in the hospital. Even the report filed before SHRC shows that

deceased Selva Murugan died due to the effects of Coronary Artery heart

disease and there is no involvement of police in his death. Further the post-

mortem report shows that the death was not due to the injuries and even when

the Judicial Magistrate examined the deceased at the time of remand, no

injuries were found. Therefore, the order of SHRC is not sustainable.

7. W.P. No. 21737 of 2023 is filed by Prema, wife of the deceased Selvamurugan, seeking to implement the orders passed by SHRC and pay the compensation as directed. According to her, since her husband did not return home on 28.10.2020, she gave a missing complaint which was not received.

On 29.10.2020, one of the police had called her to come to Rani & Rani Lodge at Indra Nagar with 10 sovereigns of gold, failing which cases will be registered against him. She had gone to the police station on 30.10.2020, where her husband informed that the police had beaten and tortured him to



Writ Petition Nos.10049 of 2023 etc. batch

admit the theft cases. Only due to the ill treatment by the police keeping him

in illegal custody, he sustained injuries and the respondents had committed

custodial death, and as such she has approached this court in CrI.OP.No.

17886 of 2020 to register a case for murder as against them. Only pursuant to

the orders passed by this Court, Judicial Magistrate No. I had conducted an

inquiry under Section 176(1-A) of CrPC and submitted a report. The report

makes it clear that the deceased Selvamurugan was arrested on 28.10.2020

itself and kept under illegal custody and put to torture and the SHRC after

considering all the aspects, has passed the orders for payment of

compensation. Since the compensation was not paid, she has sought for

disbursement of compensation.

8. The third respondent SHRC filed a counter affidavit in all the Writ Petitions stating that the procedures as contemplated under State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997 have been followed and based on the materials placed, the SHRC on coming to the



Writ Petition Nos.10049 of 2023 etc. batch

conclusion that deceased Selva Murugan was kept in illegal custody, beaten up and tortured causing external and internal injuries, has issued the directions as contained in the impugned order.

9. The Learned counsel appearing for the petitioner/Police argued that the SHRC while passing the impugned order had not taken note of the fact that the petitioners/police duly discharged their official duties and on receiving the complaint, they had investigated the matter and since from the CCTV footages, they found that the deceased Selva Murugan had involved in the crime, they arrested him on 29.10.2020. Based on his confession, they recovered the stolen jewels and produced him before the Judicial Magistrate, where after examining him, he was remanded to judicial custody on 30.10.2020. Only when he was in custody, he developed Epilepsy, for which he was taken to hospital for treatment, where he did not respond to the treatment and died. Even the report filed before the SHRC clearly states that



Writ Petition Nos.10049 of 2023 etc. batch

there was no torture or illegal custody on the part of police and the death was

not due to the action of police.

10. The Learned counsel further argued that when the deceased was produced before the Magistrate at the time of remand, on examining the accused, the Magistrate did not find any new injuries and therefore the complaint that he was kept under illegal custody and beaten up is not true. Further, even according to the post-mortem report, only four injuries were found and the death was not due to the cause of the injuries. The available records only prove the fact that the death of the deceased Selva Murugan was not due to intervention of Police but only due to his medical condition of Epilepsy and also Coronary Artery heart Disease. Therefore the orders of the SHRC imposing a compensation of Rs. 5,00,000/- and also directing to initiate disciplinary proceedings and also initiate criminal prosecution against the petitioners cannot be sustained and sought for allowing the Writ Petition.



Writ Petition Nos.10049 of 2023 etc. batch

11. Mr.P.Kumaresan, learned Additional Advocate General assisted

by Mr.R.Vigneshwaran, learned Government Advocate appearing for

Respondents 1, 2 & 4 argued that the police had carried on their lawful duties and based on the complaint received by them, had duly registered the case and also arrested the accused. Based on his confession, the stolen jewel were also recovered and thereafter, the accused was duly produced before the Judicial Magistrate, who did not find any injuries and remanded the accused to judicial custody.

12. The Learned Additional Advocate General further submitted that when he was in judicial custody, he was admitted to hospital due to Epilepsy and as he did not respond to the treatment, he died. The post-mortem certificate and also the very report filed before the SHRC will aptly establish that there was no police torture and illegal custody. Further, as per the medical opinion, the injuries found in the post-mortem report are not the cause of death of the deceased Selvamurugan but his death is only due to Coronary



Writ Petition Nos.10049 of 2023 etc. batch

artery heart disease. Therefore, in view of the materials available, the orders

of SHRC, imposing a compensation of Rs.5,00,000/- is not sustainable and

further the initiation of departmental and criminal proceedings against the

police for discharging their lawful duties will not be in the interest of the State

and public and sought for allowing the Writ Petition.

13. *Per contra*, M/s.S.R.Sumathy, learned counsel appearing for SHRC argued that on receipt of the complaint, the commission forwarded the complaints to the Investigation Wing, pursuant to which investigation was conducted and report was filed on 12.08.2021. Even though in the report it is stated that there is no involvement of police in his death, however, it has been recorded that there was violation of Human Rights due to illegal custody of the deceased Selva Murugan. SHRC took note of the inconsistent stand taken by 1st to 3rd respondents on one hand and 4th to 9th respondents on the other hand even in respect of the arrest of the deceased Selva Murugan and based on the CCTV footage, it was found that Selva Murugan was with the 1st



Writ Petition Nos.10049 of 2023 etc. batch

respondent under his custody even on 29.10.2020. Further, the Judicial

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Magistrate No. I, Virudhachalam, after enquiry under Section 176(1-A) of CrPC, has filed a report to the effect that the deceased Selva Murugan was arrested even on 28.10.2020 and he was kept under illegal custody and he was tortured and beaten up and also due to which the deceased Selvamurugan developed the illness and died in the hospital. The Learned counsel contended that the SHRC, only after considering all the available materials, passed the impugned Order imposing compensation and further directions and as such prayed sustaining the impugned order.

14. Heard counsels on either side and perused the materials available on record.

15. It is the case where the remand prisoner No. 4156 Selvamurugan died in the hospital on 04.11.2020, while he was under judicial custody. It is the case of one set of the petitioners/police who are respondents

22/34



Writ Petition Nos.10049 of 2023 etc. batch

1 to 3 before SHRC, that the deceased Selva Murugan was produced by the

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public before the Inspector of Police on 30.10.2020 at about 10.00 am and one Kaviya had lodged a complaint against the deceased that he had committed robbery on the same day at about 9.00 am near Dhurgaiyamman temple, Neyveli. Based on her complaint, a case in Neyveli township police station was registered in Crime No. 1073 of 2020 under Sections 294(b), 392 read with 397 and 506(2) of IPC. During the investigation, the deceased had confessed that he is also involved in another case in Neyveli township police station in Crime No. 1053 of 2020 under Section 457 and 380 of IPC. The Inspector of Police, based on the confession, had recovered the property in both the cases and thereafter produced the accused before the Judicial Magistrate, where he was remanded to judicial custody on 30.10.2020. On 02.11.2020, the deceased had experienced Epilepsy at Sub Jail, Virudhachalam and was taken to Government Hospital, Virudhachalam where he did not respond to treatment and died on 04.11.2020.



Writ Petition Nos.10049 of 2023 etc. batch

16. It is the case of the police/4th to 9th respondents before SHRC

that they had received a message on 20.10.2020, that one unknown person had snatched gold chain of one Kaviya near Dhurgaiyamman temple, Neyveli on 20.10.2020. Based on that complaint, they had examined the CCTV footages on 23.10.2020 and they came to know that the deceased Selva Murugan was involved in the crime and therefore, they arrested him on 29.10.2020 at 11:30 Hours, near Neyveli by-pass. During the inquiry conducted by them, he confessed that he had sold the stolen jewellery to SV Jewellery Shop, Neyveli and based on his confession, they recovered the stolen jewellery and handed over the custody of Selva Murugan along with stolen jewellery to the Inspector of Police on 29.10.2020 itself. Based on which, he was produced before the Judicial Magistrate and was remanded to judicial custody. While in judicial custody, due to his illness, he was admitted to the hospital and he died on 04.11.2020 due to Epilepsy.

17. It is the case of the victim/Prema, wife of the deceased that her



Writ Petition Nos.10049 of 2023 etc. batch

husband was missing from 28.10.2020, for which she had given a complaint

and the same was not received. On 29.10.2020, she received a call from police asking her to come to Rani and Rani Lodge at Indra Nagar along with 10 sovereigns of gold, otherwise the cases will be foisted against her husband and remanded to custody. The victim had met her husband in the custody of police and since she did not oblige to the demand of the police, he was beaten up and tortured by the police and her husband was put to custodial death.

18. It could be seen that the version of the 1st to 3rd respondents and 4th to 9th respondents before the SHRC, about the registration of the case and the arrest of the deceased Selvamurugan differs and they had taken inconsistent stands. According to respondents 1st to 3rd, chain snatching from one Kavya was done only on 30.10.2020 and deceased was produced by the public on 30.10.2020 and the said Kaviya had given a complaint that in the morning the chain snatching was done and the Inspector of Police based on the confession had recovered the jewels. Whereas, the 4th to 9th respondents



Writ Petition Nos.10049 of 2023 etc. batch

claim that the said chain snatching was done on 20.10.2020 itself and based

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on the verification of CCTV footages on 23.10.2020, they found that the

deceased Selva Murugan was involved in the crime and they arrested the

deceased on 29.10.2020 and recovered the stolen jewellery and handed over

to the Inspector of Police. These stands are mutually inconsistent and show

that they have not come up with the true facts.



Writ Petition Nos.10049 of 2023 etc. batch

19. Further, it could also be seen that only since the victim Prema

had protested and lodged complaints, the Judicial Magistrate No. I, Virudhachalam was nominated for conducting inquiry under Section 176(1-A) of Cr.P.C. In the case filed by the victim in CrI. OP No.17886 of 2020, this Court vide order dated 18.11.2020 has directed the victim to lodge a complaint before the Judicial Magistrate No.I, Virudhachalam and also the Judicial Magistrate was directed to complete the inquiry by following the procedures contemplated.

20. The Magistrate, after completing the inquiry, filed his report on 10.06.2021 finding that the deceased Selva Murugan had been arrested on 28.10.2020 itself and from then on he was kept in illegal custody and beaten up, tortured, resulting in injuries on the deceased. However, based on the medical records, he has stated that even though the death was not directly due to torture, if proper treatment had been given to the deceased, his life could have been saved.

27/34



Writ Petition Nos.10049 of 2023 etc. batch

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21. Further, even though the report filed before SHRC on 12.08.2021 states that the deceased Selva Murugan had died only due to the effects of Coronary Artery heart disease and there is no involvement of police in his death, it has also been recorded that there was violation of human rights due to illegal custody of the deceased Selva Murugan.

22. The postmortem certificate dated 06.11.2020 also shows that 7 injuries were found in the body of the deceased Selva Murugan but however it is opined in the report that those injuries are not sufficient to cause death. It is also mentioned that the 7 injuries which are external in nature are due to the effect of blunt force.

23. From the materials available on record, it could be seen that the deceased Selvamurugan was arrested on 28.10.2020 and he has been kept in illegal custody, tortured and beaten up. In fact, the CCTV footage taken from

28/34



Writ Petition Nos.10049 of 2023 etc. batch

the recording on 29.10.2020 running from 14:31:34 hours to 14:37:19 hours,

which has not been disputed proves the fact that the deceased was with the 1st respondent, Inspector Arumugam accompanied with another police in the Jewellery shop. This fortifies the fact that the deceased Selvamurugan was under illegal custody. The illegal custody, torture and the injuries inflicted are proved by overwhelming evidence through the report dated 12.08.2021 filed before the SHRC, the postmortem certificate and also the report filed by the Judicial Magistrate No.1, Virudhachalam under Section 176(1-A) of Cr.PC. The petitioners have not disputed the CCTV footages or challenged the report of the Judicial Magistrate. The SHRC had rightly considered all these aspects and arrived at a conclusion that the deceased Selvamurguan was arrested on 28.10.2020, kept under illegal custody, beaten up and tortured and therefore, the said decision cannot be found fault with.

24. In the recent times, it could be noticed that there are increasing number of cases reported regarding illegal custody, police excess and

29/34



Writ Petition Nos.10049 of 2023 etc. batch

custodial death. Right to life and personal liberty being the fundamental rights

of individuals guaranteed under Article 21 of the Constitution of India, the same cannot be deprived by the police by resorting to keeping an individual under illegal custody and torture. In the instant case, the arrest of the deceased person on 28.10.2020 and producing him before the Judicial Magistrate only on 30.10.2020 is a clear case of illegal confinement and is in violation of the right and protection guaranteed under Article 22 (2) of the Constitution of India. Therefore the SHRC, having found from the materials that there has been illegal custody and torture, has rightly ordered compensation to the victim who is the wife of the deceased.



Writ Petition Nos.10049 of 2023 etc. batch

25. However, from the report of the investigation wing dated

12.08.2021, coupled with the postmortem certificate and the evidences available on record, it could be seen that even though there was illegal custody and torture, the death was not due to the injuries. The deceased died in hospital while in judicial custody after 5 days of remand and he suffered from epilepsy and coronary heart disease and by taking these into consideration, the direction in respect of initiation of criminal prosecution alone could be modified.

26. Under these circumstances, we are inclined to pass the following order:

(i). Clause 21(1) and Clause 21(2) of the impugned order of SHRC, regarding payment of compensation, consequential recovery from 1st to 9th respondents and the direction to initiate the disciplinary action are confirmed.

(ii). Clause 21(3) of the impugned order in respect of initiation of criminal prosecution alone is set aside.

31/34



Writ Petition Nos.10049 of 2023 etc. batch

(ii). In view of the orders passed, the 1st and 2nd respondents are

directed to disburse the compensation as directed by SHRC to the petitioner in W.P. No. 21737 of 2023 within a period of three weeks from the date of receipt of copy of this order.

27. In the result, all the writ petitions stand disposed of as indicated above. There shall be no order as to costs. Connected Miscellaneous Petitions are closed.

(S.S.S.R.J.) (G.A.M.J.)
.03.2024

Index : Yes/No
Speaking : Yes/No
Neutral Citation : Yes/No

nst

To:

1.The State of Tamil Nadu
Rep.by Principal Secretary to Government,
Home, Prohibition and Excise Department,

32/34



Writ Petition Nos.10049 of 2023 etc. batch

Secretariat,
Chennai – 600 009.

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2.The Secretary to Government,
Public (Human Rights) Department,
Secretariat,
Chennai – 600 009.

3.State Human Rights Commission,
Rep.by its Chairman
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai – 600 028.

4.The Superintendent of Prison,
Central Prison,
Cuddalore.

S.S. SUNDAR,J
and
G.ARUL MURUGAN,J
nst



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Writ Petition Nos.10049 of 2023 etc. batch

Pre-Delivery Order in

W.P.Nos.10049 and 21737 of 2023, W.P.No.32935 of 2022

.03.2024